

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 8 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS PLEASANT,

Plaintiff,

vs.

THEODORE D'AMICO,

Defendant.

3:06-CV-0149-LRH (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On June 16, 2006, plaintiff moved this court for a temporary abeyance of this action because he was being released from prison and needed to arrange his personal affairs before proceeding (#13). On July 17, 2007, the court held a hearing on the motion and plaintiff appeared telephonically. *Id.* The court granted plaintiff's motion and stayed this action for sixty days or no later than January 18, 2007 (#16). The court also set a status conference on January 18, 2007. *Id.*

On July 31, 2006, plaintiff filed a notice of change of address indicating that he had indeed been released from prison and was now receiving mail at 550 W. Plumb Lane, Ste. B209, Reno, Nevada 89509 (#17). On January 18, 2007, the court held a status conference as scheduled and plaintiff failed to appear (#18). The court ordered the clerk to prepare minutes of the proceedings which notified plaintiff of the dictates of Fed.R.Civ.P. 41(b) and Local Rule 41-1 concerning dismissal for want of prosecution. *Id.* The court then set a second status conference for February 20, 2007. *Id.* The minutes of the proceedings

1 were sent to plaintiff at his last known address and were returned to the court as undeliverable on April
2 4, 2007 (#20).

3 On February 20, 2007, the court held a second status hearing concerning this matter (#19).
4 Plaintiff failed to appear and the court notified defendants that a report and recommendation for dismissal
5 would be issued. *Id.*

6 Based on the foregoing, the undersigned magistrate judge recommends that this case be dismissed
7 without prejudice.

8 The parties should be aware of the following:

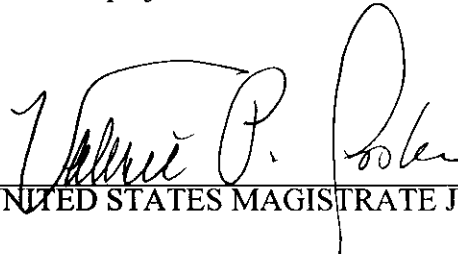
9 1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules
10 of Practice, specific written objections to this Report and Recommendation within ten (10) days of
11 receipt. These objections should be titled "Objections to Magistrate Judge's Report and
12 Recommendation" and should be accompanied by points and authorities for consideration by the District
13 Court.

14 2. This Report and Recommendation is not an appealable order, and any notice of appeal
15 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's judgment.

16 **RECOMMENDATION**

17 For the reasons stated above, the undersigned Magistrate Judge recommends that the District
18 Court enter an order DISMISSING this action without prejudice.

19 DATED: May 8, 2007.

20 
21 _____
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28